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Manuel Nogueira

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CLARK & BRODY

1090 VERMONT AVENUE, NW

SUITE 250

WASHINGTON, DC 20005

EXAMINER

BRINSON, PATRICK F

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the bush and/or the cover sheet is a plastic sheet having a weave of interlaced filaments, which is indefinite wherein the scope of the invention cannot be ascertained since the wording term “and/or” is utilized. It is clear if the bush or the cover sheet or both are formed from a plastic sheet having a weave of interlaced filaments.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 3,823,255 to **La Gase et al.**

The patent to **La Gase et al.** discloses a tubing including a bush (11), an insulating layer (12) and a cover sheet (13) wherein the insulating layer is a quartz fiber wool, as recited in claim 1. It is further disclosed that a plastic winding of flame retardant halogen containing polymer material encloses the bush and is bonded thereon. The device is formed from flame resistant barriers, and therefore would include a flame resistant adhesive. **La Gase et al.** further discloses the cover sheet (13) can be wrapped on as a tape, cloth, yarn filament or the like, wherein cloth would suggest a woven, thus interlaced, material. Col. 4 discloses that the cover sheet may be formed from polyvinyl fluoride polymers or polyamide polymers, such as Teflon, as recited in claims 16-18.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6, 8 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3,823,255 to **La Gase et al.**

4. The patent to **La Gase et al.** discloses a tubing including a bush (11), an insulating layer (12) and a cover sheet (13) wherein the insulating layer is a quartz fiber wool, as discussed in the previous paragraph, however, **Le Gase et al.** does not specifically disclose specific dimensions including the thickness, density, diameter or specific weight of the quartz wool filament, however it is but an obvious mechanical expedient to vary the characteristics of the materials in order to meet the specific needs of the user. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify these dimensions, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

#### ***Response to Amendment***

5. Applicant amended the claims incorporating previously indicated allowable material into independent form, however a closer review of the **La Gase et al.** reference discloses the recited structure of at least the cover layer (13) including an interlaced weaving structure and being formed of materials including polyamide and polyvinyl fluoride. Additionally, claim 1 is indefinite in regards to the “and/or” recitation, as discussed in preceding paragraph 1.

***Allowable Subject Matter***

6. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. Brinson/  
Primary Examiner, Art Unit 3754

P. F. Brinson  
March 31, 2008